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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,899	04/27/2001	Mohamed Anisur Rahman	2925-0469P	7572

30594 7590 11/29/2006

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT PAPER NUMBER

2617

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,899

Applicant(s)

RAHMAN ET AL.

Examiner

Sharad Rampuria

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 34-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 34-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Disposition of the claims

II. The current office-action is in response to the remarks filed on 09/06/2006.
Accordingly, Claims 4-33 are cancelled and Claims 1-3 and 34-40 are imminent for further assessment as follows:

Claim Rejections - 35 USC § 102

III. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 34-35 & 37 are rejected under 35 U.S.C. 102 (e) as being anticipated by Anvekar et al. [US 6684072].

Regarding Claim 1, Anvekar disclosed A system of billing in a user configurable wireless network (abstract), comprising:

A base station controller to establish and maintain communication between a wireless unit and the wireless network; (210, 200; fig.2, col.3; 63-col.4; 14)

A home location register in operative communication with the base station controller to support applications and services; (HLR; 230; fig.2, col.4; 9-14)

A service data node module in direct operative communication with the base station controller and the home location register to coordinate the applications and services supported by the home location register; (300; fig.3, col.4; 15-37).

A user end in operative communication with the service data node, allowing the user to implement service creation and service negotiation without service provider intervention; (Col.4; 15-59, Col.6; 51-63, Col.7; 32-48, Col.9; 1-12, and 39-57, Col.2; 66-Col.3; 8)

A billing manager in operative communication with the service data node module, to bill the user based on the user implemented service creation and service negotiation. (400; fig.4, predominantly, the services like call originating or terminating at roaming cell phones are established, exclusive of a provider's involvement; Col.4; 46-59, furthermore, Col.4; 15-59, Col.6; 51-63, Col.7; 32-48, Col.9; 1-12, and 39-57, Col.2; 66-Col.3; 8).

Regarding Claim 3, Anvekar disclosed The system of claim 1, wherein the billing manager further comprises: a billing mediator in operative connection with the service data node to receive and distribute data from the service data node; a billing processor in operative connection with the billing mediator to process the data from the billing mediator; a billing order manager in operative connection with the billing processor to manage the processed data from the billing processor; and a customer information processor in operative connection with

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the billing order manager to process customer information. (400; fig.4, predominantly, the services like call originating or terminating at roaming cell phones are established, exclusive of a provider's involvement; Col.4; 46-59, furthermore, Col.4; 15-59, Col.6; 51-63, Col.7; 32-48, Col.9; 1-12, and 39-57, Col.2; 66-Col.3; 8).

Regarding Claim 34, Anvekar disclosed A method of billing in a wireless network communications system (abstract), the method comprising:

Establishing a database in the wireless network; (400; fig.4, Col.4; 15-59, Col.6; 51-63, Col.7; 32-48, Col.9; 1-12, and 39-57, Col.2; 66-Col.3; 8)

Providing services into the database; (400; fig.4, Col.4; 15-59, Col.6; 51-63, Col.7; 32-48, Col.9; 1-12, and 39-57, Col.2; 66-Col.3; 8)

Allowing a user to select a service by accessing the database without service provider intervention and billing the user based on the selected service. (400; fig.4, predominantly, the services like call originating or terminating at roaming cell phones are established, exclusive of a provider's involvement; Col.4; 46-59, furthermore, Col.4; 15-59, Col.6; 51-63, Col.7; 32-48, Col.9; 1-12, and 39-57, Col.2; 66-Col.3; 8)

Regarding Claim 35, Anvekar disclosed the method of claim 34, wherein the billing is based on a wireless packet call of the selected service. (400; fig.4, Col.4; 15-59, Col.6; 51-63, Col.7; 32-48, Col.9; 1-12, and 39-57, Col.2; 66-Col.3; 8)

Regarding Claim 37, Anvekar disclosed the method of claim 34, wherein the billing is based on a profile change of the user. (400; fig.4, Col.4; 15-59, Col.6; 51-63, Col.7; 32-48, Col.9; 1-12, and 39-57, Col.2; 66-Col.3; 8)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 36, 40, are rejected under 35 U.S.C. 103(a) as being unpatentable over Anvekar et al. [US 6684072] in view of Bianconi et al. [US 20020119766].

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Regarding Claims 2, 40, the above combination disclosed all the particulars of the claim except a database to store quality of services. However, Bianconi teaches in an analogous art, that the system of claims 1, 34, wherein the service data node module further comprises:
A database to store quality of services; (0010; pg.2).

A dynamic billing information processor in operative communication with the database, to determine actual use of a service on a call-by-call or session-by-session basis; (0010; pg.2) and

A radius accounting server in operative communication with the dynamic billing information processor, to correlate the determined actual use from the dynamic billing information processor. (0033; pg.4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a database to store quality of services in order to provide location based billing of data services.

Regarding Claim 36, the above combination disclosed all the particulars of the claim except a database to store quality of services. However, Bianconi teaches in an analogous art, that the method of claim 34, wherein the billing is based on a quality of service of the selected service. (0010; pg.2).

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anvekar in view of Lohtia et al.

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Regarding Claim 38, Anvekar disclosed all the particulars of the claim except wherein the selected service comprises content push services. However, Lohtia teaches in an analogous art, that the method of claim 34, wherein the selected service comprises content push services. (SMS; pg.3; 0024) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include wherein the selected service comprises content push services in order to provide information to a communication device in response to a request for particular service.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anvekar in view of Sarkki et al.

Regarding Claim 39, Anvekar disclosed all the particulars of the claim except wherein the selected service comprises transaction based services. However, Sarkki teaches in an analogous art, that the method of claim 34, wherein the selected service comprises transaction based services. (Col.4; 1-12) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include wherein the selected service comprises transaction based services in order to provide transaction based billing for telephone services.

Response to Remarks

IV. Applicant's arguments filed on 09/06/2006 have been fully considered but they are not persuasive.

Relating to Claim 1:

In comeback to Applicant's allegation that **Anvekar** doesn't teach, "A user end in operative communication with the service data node, allowing the user to implement service creation and service negotiation without service provider intervention;" it is noted that the Examiner respectfully emphasize that the cited art, is legally efficient for the purpose of rendering claim unpatentable. In particular, **Anvekar** supports the declaration as, *the prepaid accounts for which a user can utilize the call connections exclusive of a provider's involvement*, which can easily comprehend the claimed invention. (Please perceive, the services like call originating or terminating at roaming cell phones are established, exclusive of a provider's involvement; Col.4; 46-59, furthermore, a call connection is based on the flat-rate; please see Col.4; 15-59, Col.6; 51-63, Col.7; 32-48, Col.9; 1-12, and 39-57, Col.2; 66-Col.3; 8), at the same time as in support; "the examiner must give the broadest reasonable interpretation to all claims presented." As stated in MPEP § 2111 - § 2111.01. Hence, it is believed that **Anvekar** *still teaches the claimed limitations*.

The above arguments also recites for the claim 34, consequently the response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, consequently the response is the same explanation as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Conclusion

V. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

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GEORGE ENG
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